COMMISSION DECISION

of 30 October 1975

authorizing the United Kingdom not to apply Community treatment to bananas falling within subheading 08.01 B of the Common Customs Tariff, originating in Columbia, Costa Rica and Ecuador, and in free circulation in the other Member States

(Only the English text is authentic)

(75/702/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof;

Having regard to the application under the first paragraph of Article 115 of the Treaty made on 24 October 1975 by the United Kingdom Government to the Commission by telex from the office of its Permanent Representative to the European Communities, for authorization not to apply Community treatment to bananas falling within subheading 08.01 B of the Common Customs Tariff, originating in Columbia, Costa Rica and Ecuador, and in free circulation in the Netherlands;

Whereas the importation of bananas to the Netherlands is liberalized while in the United Kingdom imports of bananas originating in Columbia, Costa Rica and Ecuador, and other countries comprising the dollar zone [1] are subject to quantitative restrictions and in this context a comprehensive, annual basic quota of 4 000 metric tons has been opened;

Whereas it appears from such recourse that the objective of this commercial policy is to assure a priority of entry to the United Kingdom market of bananas originating from the Carribean, which countries, because of their less favourable production factors as compared with other exporting countries, would be unable to withstand free competition;

Whereas by virtue of Protocol 6 of the Lomé convention signed 28 February 1975, the Community and the ACP countries agreed on the objective that for their banana exports to the Community no one ACP country will be placed in a less favourable position than previously or currently with respect to market access and to advantages in the market, and that the Community will take all necessary measures to realize this objective;

Whereas the United Kingdom granted, for the period 1 October 1975 to 23 November 1975, supplementary licences for the importation of 15 000 metric tons of bananas originating from the 'dollar zone' countries over and above the 4 000 metric tons of the basic quota, of which 10 000 metric tons have already been entered and 5 000 are intended to supply the needs of the market from 23 October 1975 to 23 November 1975;

Whereas according to the information supplied in the appeal, the result is a lowering of the retail price of bananas at present on the United Kingdom market;

Whereas bananas, as perishable produce, require immediate sale, and having regard to the licences already issued, the indirect imports envisaged threaten to cause an excess of supply for the period 23 October 1975 to 23 November 1975 and consequently an aggravation of the tendency towards lower prices;

Whereas the anticipated indirect imports are likely to endanger the objectives of Protocol 6 on bananas of the Lomé convention and to impede the commercial policy measures that the United Kingdom has taken with respect to the 'dollar zone' countries;

Whereas it is not possible at the present time to set in motion the machinery for bringing about the necessary cooperation from the other Member States;

Whereas, in order to ensure that the implementation of the abovementioned commercial policy measures is not obstructed, authorization should be given, for a limited period, for the application of protective measures, under the first paragraph of Article 115, subject to the conditions laid down by the Commission Decision of 12 May 1971 [2], and in particular Article 1 thereof,

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[1] Bolivia, Canada, Cuba, Dominican Republic, El Salvador, Guatemala, Haïti, Republic of Honduras, Liberia, Mexico, Nicaragua, Panama, Philippines, USA and Venezuela.

[2] OJ No L 121, 3. 6. 1971, p. 26.

HAS ADOPTED THIS DECISION :

Article 1

The United Kingdom is authorized not to apply Community treatment to imports of bananas falling within subheading 08.01 B of the Common Customs Tariff, where they originate in Columbia, Costa Rica and Ecuador and are in free circulation in the other Member States, and in respect of which applications for import licences were lodged after 13 October 1975.

Article 2

This Decision shall apply until the opening of new import possibilities of the product in question into United Kingdom from Columbia, Costa Rica and Ecuador, and in any case not later than 23 November 1975.

Article 3

This Decision is addressed to the United Kingdom.

Done at Brussels, 30 October 1975.

For the Commission

The Vice-President

Christopher SOAMES